

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

MARK MILES HOOPER IV

Case: 2:23-mj-30077

Assigned To : Unassigned

Assign. Date : 2/22/2023

Case No.

Description: RE: MARK MILES
HOOPER IV (EOB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 19, 2023 in the county of Oakland in theEastern District of Michigan, the defendant(s) violated:*Code Section*

18 U.S.C. § 922(g)(1)

Offense Description

Felon in Possession of Ammunition

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.Sworn to before me and signed in my presence
and/or by reliable electronic means.Date: February 22, 2023City and state: Detroit, Michigan
*Complainant's signature*Special Agent Brett J. Brandon, ATF
Printed name and title
*Judge's signature*Hon. David R. Grand, U.S. Magistrate Judge
Printed name and title

**AFFIDAVIT IN SUPPORT OF
AN CRIMINAL COMPLAINT**

I, Brett J. Brandon, being first duly sworn, hereby state:

1. I have been a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, United States Department of Justice, assigned to the Detroit Field Division since July 2013. I graduated from the Criminal Investigator Training Program and the ATF Special Agent Basic Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia. During my employment with ATF, I have conducted and/or participated in numerous criminal investigations focused on firearms, drug trafficking violations, and criminal street gangs.

2. I am currently assigned to the Pontiac Gun Violence Task Force (GVTF), a task force established by the Oakland County Sheriff's Office (OCSO) and ATF. The GVTF is tasked with investigating the unlawful possession of firearms and violent firearm crimes committed within the city of Pontiac. During my employment with ATF, I have conducted and/or participated in hundreds of criminal investigations involving the possession and use of firearms, drug trafficking violations, and criminal street gangs.

3. This affidavit is from personal knowledge based on my participation in this investigation, including interviews conducted by myself and/or other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience.

4. ATF is currently conducting a criminal investigation concerning MARK MILES HOPPER IV (DOB: XX/XX/1982) for violations of 18 U.S.C. § 922(g)(1) (Felon in Possession of a Firearm and Ammunition), among other state and federal criminal violations.

PROBABLE CAUSE

HOOPER's Criminal History

5. I reviewed HOOPER's computerized criminal history and Michigan's Sixth Judicial Circuit Court records, which revealed the below felony convictions.

- a. April 7, 2003: HOOPER pleaded guilty to felony Controlled Substance – Possession of Cocaine, Heroin, or Another Narcotic, Less than 25 Grams. HOOPER was subsequently sentenced to 183 days in the Oakland County Jail;

- b. September 20, 2004: HOOPER pleaded guilty to felony Police Officer – Assaulting/Resisting/Obstructing. On October 13, 2004, HOOPER was sentenced to 183 days in the Oakland County Jail;
- c. March 6, 2006: HOOPER pleaded guilty to felony Controlled Substance – Second or Subsequent Offense Notice – Double Penalty. On March 20, 2006, HOOPER was sentenced to 271 days in the Oakland County Jail;
- d. April 30, 2009: HOOPER pleaded guilty to felony Police Officer – Assaulting/Resisting/Obstructing, Felon in Possession of a Firearm, Felony Controlled Substance – Delivery/Manufacture (Cocaine, Heroin or Another Narcotic) less than 50 Grams, and Felony Firearm. On May 28, 2009, HOOPER was sentenced to fifty-eight months to twenty years in prison;
- e. May 12, 2009: HOOPER pleaded guilty to felony Carrying a Concealed Weapon and felony Resisting and Obstructing a Police Officer. On May 26, 2009, HOOPER was sentenced to three to fifteen years in prison;

- f. May 12, 2009: HOOPER pleaded guilty to felony Delivery/Manufacture Controlled Substance (Cocaine, Heroin or Another Narcotic) less than 50 Grams and felony Resisting and Obstructing Police Officer. On May 26, 2009, HOOPER was sentenced to three to fifteen years in prison;
- g. January 27, 2016: HOOPER pleaded guilty in United States District Court in the Eastern District of Michigan, to two counts of 21 U.S.C. § 846 and 21 U.S.C. § 841(a)(1), conspiracy to Distribute a Controlled Substance (cocaine). HOOPER was sentenced to 100 months in prison followed by three years of supervised release. On January 21, 2022, HOOPER began supervised release under the supervision of the United States Probation Office – Eastern District of Michigan.

January 19, 2023 Shooting

6. On January 19, 2023, at approximately 7:10 p.m., the OCSO responded to the area of Ditmar Avenue and Highland Avenue, Pontiac, Michigan on a report of a shooting involving a black SUV.

7. Responding OCSO deputies interviewed witnesses in the area.
 - a. Witness One (“W-1”) told officers they observed a white PT cruiser drive eastbound on Ditmar Avenue, turn south on Highland Avenue, and park. Shortly thereafter, the eyewitness observed a newer model black Yukon at the intersection of Ditmar Avenue and Highland Avenue. Next, W-1 saw muzzle flashes come from the interior of the PT Cruiser, which moved into the intersection. The witness believed the Yukon returned gunfire at the PT Cruiser, but was unsure. The witness then observed the Yukon crash into a vehicle parked on Highland Avenue. Both the Yukon and the PT Cruiser fled northbound on Highland Avenue.
 - b. Witness Two (“W-2”) reported that they heard the crash and observed a dark Yukon drive north on Highland Avenue.
 - c. Witness Three (“W-3”) reported that after the shooting, they observed a skinny light skinned black male, approximately 5’5”, with a dreadlock hairstyle, exit the GMC Yukon—

parked on Harvey Street—and run northbound on Harvey Street.

8. Responding OCSO officers located a dark blue/black 2021 GMC Yukon with a California license plate parked on Harvey Avenue, one-tenth of a mile from the Ditmar/Highland intersection. The Yukon had damage to the front passenger side of the vehicle and bullet holes in the windows and hood. Deputies initially found five (5) .45 caliber fired cartridge casings inside the vehicle. Deputies also found an Avis rental car receipt dated January 12, 2023 in the Yukon. The receipt was for the GMC Yukon and was in the name “Mark Hooper.”

Hooper’s GMC Yukon

9. At approximately 8:11 p.m., HOOPER called 911 from his cellular phone, assigned call number XXX-XXX-1400. During the call, HOOPER reported the Yukon stolen. OCSO responded to his residence, located on Nelson Street in Pontiac. HOOPER voluntarily agreed to be transported to the OCSO Pontiac Substation to complete an OCSO Vehicle Theft Report. HOOPER completed the form and spoke to Task Force Officers Bader and Hedrick.

10. HOOPER reported that the Yukon was stolen from his residence earlier that day. HOOPER claimed he left the residence at approximately 3:30 p.m. When he left, the Yukon was parked behind the residence, unlocked, and with the keys inside. HOOPER identified his Apple iPhone model 12 or 13 as an item inside the Yukon when it was stolen. HOOPER further identified the iPhone's assigned call number as XXX-XXX-1400. Task Force Officers Bader and Hedrick noted HOOPER was a light skinned black male with dreadlocks.

11. Given that HOOPER called 911 from his cellular phone one hour after the shooting, unsurprisingly, OCSO did not locate his cellular phone in the "stolen" Yukon. OCSO did, however, locate the other personal items described by HOOPER.

HOOPER's Cellular Phone – Call Detail Records

12. On January 26, 2023, I received the call detail records associated with HOOPER's cellular phone, pursuant to a federal warrant. I reviewed the records, which showed that the phone was located in Pontiac, on January 19, 2023, the date of the shooting. The following is a summary of the material parts of HOOPER's call detail records (times are approximate).

- a. January 19, 2023 between 11:00 a.m. to 6:19 p.m.: The phone utilized a cellular tower at 240 E. Montcalm Street in Pontiac. This cellular tower covers an area including HOOPER's residence, located at 210 Nelson Street in Pontiac. *The data is consistent with HOOPER having spent the day at home.*
- b. January 19, 2023 at 6:27 p.m.: The phone utilized a cellular tower at 44800 Woodward Avenue in Pontiac. This tower is along the route of travel from his residence to the area where the shooting occurred and where OCSO recovered HOOPER's rented Yukon. *The data is consistent with HOOPER having driven from his residence to the scene of the shooting.*
- c. January 19, 2023, 6:30 p.m. to 6:41 p.m.: The phone utilized a cellular tower at 575 Friendly in Bloomfield Hills. This tower is located approximately 1.3 miles from the area where the shooting occurred (Ditmar Avenue and Highland Avenue) and where OCSO recovered the Yukon (567 Harvey Avenue). *The data is consistent with HOOPER, at that time,*

being within 1.3 miles of the scene of the shooting. That conclusion is also supported by surveillance camera video obtained by the GVTF, which shows the following:

- i. January 19, 2023, at 6:39 p.m.: The Yukon fled from the intersection of Ditmar Avenue and Highland Avenue, where the shooting took place.
 - ii. January 19, 2023 at 6:40 p.m.: The Yukon arrived in front of 567 Harvey Avenue, where W-3 observed a light skinned black male with dreadlocks fleeing from the vehicle.
- d. January 19, 2023 between 7:06 p.m. and 7:40 p.m.: The cellular phone utilized a cellular tower at 240 E. Montcalm Street in Pontiac. This cellular tower covers an area including his residence. *The data is consistent with HOOPER having returned to his residence.*
- e. January 19, 2023 at 7:55:01 p.m.: The phone utilized a cellular tower at 351 East Wide Track Drive Suite 1500A in Pontiac. This cellular tower covers the route of travel from HOOPER's residence to the Shooting scene and the location

where the OCSO recovered the Yukon. *The data is consistent with HOOPER having returned to the shooting scene/location of the Yukon.*

- f. January 19, 2023 at 7:55:38 p.m.: The phone utilized a cellular tower at 35 Huron in Pontiac. This cellular tower also covers the route of travel from HOOPER's residence to the Shooting scene and the location where the OCSO recovered the Yukon. *The data is consistent with HOOPER having returned to the shooting scene/location of the Yukon.*
- g. January 19, 2023 between 7:58 p.m. and 8:07 p.m.: The phone utilized a cellular tower at 575 Friendly in Bloomfield Hills. This cellular tower is located approximately 1.3 miles from the area where the shooting occurred and where OCSO recovered the Yukon. The phone's last call utilizing this tower, at approximately 8:07 p.m., was made by HOOPER to 911 to report the Yukon stolen. *The data is consistent with HOOPER having returned to the Yukon or the scene of the shooting and called 911.*

h. January 19, 2023 at 8:23 p.m.: The phone utilized a cellular tower at 44800 Woodward Avenue in Pontiac. This tower is along the route of travel from where the shooting occurred and where OCSO recovered HOOPER's rented Yukon, to the area of his residence. *The data is consistent with HOOPER having returned to his residence.*

13. HOOPER's historical call detail records are consistent with HOOPER having left his phone at his residence during the time he was with OCSO making the report about the Yukon.

14. HOOPER's historical call detail records show his device began utilizing cellular towers in the Southfield/Detroit area during the early morning hours of January 20, 2023, before leaving the Eastern District of Michigan. HOOPER's records are consistent with his device being outside the Eastern District of Michigan until the early morning hours of February 18, 2023.

HOOPER's Cellular Phone

15. On February 21, 2023, the GVTF served a sealed federal search warrant at HOOPER's residence on Nelson Street in Pontiac, Michigan, which included authorization to search HOOPER's cellular

phone. ATF encountered HOOPER in the living room and located his cellular phone on a nearby couch. ATF called the cellular phone and confirmed it was assigned the same call number as the cellular phone from the above referenced federal search warrant.

16. During a preliminary physical review of HOOPER's cellular phone pursuant to the search warrant, I observed the following pertinent information.

- a. On January 19, 2023 at 6:42 pm, HOOPER texted his "current location" via the Apple Maps application to a phone number stored in the device as "Turk". HOOPER also texted "I'm here" and "I'm at" with the location. The GPS coordinates for his "current location" correspond to 551 Harvey Avenue in Pontiac, Michigan, located approximately two residences north of where HOOPER's rental vehicle was abandoned at 6:40:16 pm according to residential surveillance camera video.
- b. On January 19, 2023 at 9:09 pm, HOOPER's cellular device received the following text message from (734) 406-XXXX, "I know it was u bitch don't worry."

Interstate Nexus

17. On January 23, 2023, I spoke to ATF Interstate Nexus Expert and Special Agent Jimmie Pharr. I provided Special Agent Pharr with a verbal description of five rounds (5) of Federal .45 caliber ammunition recovered from HOOPER's rental vehicle, which bore the headstamp "FEDERAL 45 AUTO +P". Based upon the verbal description, Special Agent Pharr advised that the ammunition qualified as ammunition as defined under 18 U.S.C. § 921 and was manufactured outside of the state of Michigan after 1898, and therefore had traveled in and affected interstate commerce.

CONCLUSION

18. Probable cause exists that MARK MILES HOOPER IV, a convicted felon aware of his felony convictions, did knowingly and intentionally possess Federal ammunition that traveled in or affected, interstate or foreign commerce.

Respectfully submitted,



Brett J. Brandon
ATF Special Agent

Sworn to before me and signed in my presence
and/or by reliable electronic means.



HON. DAVID GRAND
UNITED STATES MAGISTRATE JUDGE

Dated: February 22, 2023